

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CAESAR AL-MARTIN ADAMSON,

Case No. 3:21-cv-00474-MMD-WGC

Petitioner,

v.

ORDER

UNITED STATES OF AMERICA, *et al.*,

Respondents.

Petitioner Caesar Al-Martin Adamson has submitted three different pleadings to the Court: a motion to vacate sentence under 28 U.S.C. § 2255 (ECF No. 1-1), a civil rights complaint under 42 U.S.C. § 1983 (ECF No. 3-1), and a petition for a writ of habeas corpus under 28 U.S.C. § 2254 (ECF No. 4). None of these pleadings state a cognizable claim for which this Court could grant Adamson relief. Also, each pleading seeks a remedy that is exclusive of the other two. So even if Adamson can assert grounds for relief under either 42 U.S.C. § 1983 or 28 U.S.C. § 2254, the Court cannot entertain both causes of action in a single case.¹

In addition, this matter has not been properly commenced because Adamson has not paid a filing fee or filed a motion to proceed *in forma pauperis* that includes all required attachments. Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2, Adamson must attach both an inmate account statement for the past six months and a properly executed financial certificate. Adamson has not complied with either requirement. Thus, his *in forma pauperis* application (ECF No. 3) is incomplete.

It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 3) is denied.

¹A motion to vacate sentence under 28 U.S.C. § 2255 is available only to federal prisoners. Petitioner is a prisoner of the State of Nevada.

1 It is further ordered that this action is dismissed without prejudice. If Adamson
2 wishes to pursue either his § 2255, § 2254, or § 1983 claims, he must file a new cause of
3 action in a new proceeding with an *in forma pauperis* application on the proper form with
4 all required attachments.

5 It is further ordered that a certificate of appealability is denied as jurists of reason
6 would not find the Court's dismissal of this improperly commenced action without
7 prejudice to be debatable or incorrect.

8 The Clerk of Court is directed to enter judgment accordingly and close this case.

9 DATED THIS 24th Day of November 2021.

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12 MIRANDA M. DU
13 CHIEF UNITED STATES DISTRICT JUDGE
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